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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Roger Thomas :
Application No. 10/729,232 : ON PETITION
Filed: December 5, 2003 :
Attorney Docket No. P-US-PR 1111 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 12, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely submit corrected drawings as required by the Notice of Allowability mailed September 10, 2008. This Notice set a statutory period of three months for applicant to submit corrected drawings, including changes required by the Notice of Draftsperson's Patent Drawing Review (which required corrections to Figures 1, 3 and 5). No corrected drawings having been received, the application became abandoned on December 11, 2008. The Office mailed a Notice of Abandonment on January 8, 2009.

Petitioner argues that he submitted corrected drawings prior to the Notice of Allowability, on August 12, 2008. However, a review of those drawings does not indicate that petitioner submitted corrections to Figures 1, 3 and 5.

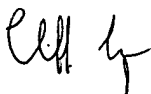
While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions